

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

DON NELL HAWKINS,  
Plaintiff,

vs

AUSA ROBERT J. PATTON,  
Defendant.

Case No. 1:20-cv-128

Black, J.  
Litkovitz, M.J.

**REPORT AND  
RECOMMENDATION**

On February 14, 2020, Mr. Hawkins, a federal inmate at FCI-Elkton, submitted a “Complaint for Ethics Violation Under the Ohio Rules of Professional Conduct, Pursuant to 6th CIR. 46(b), (c)(1)(A); and 28 U.S.C. § 530B.” (Doc. 1). No filing fee or motion for leave to proceed *in forma pauperis* accompanied the document.

Because it appeared that the complaint was intended for filing in the Sixth Circuit Court of Appeals, Mr. Hawkins was ordered to show cause why this action should not be dismissed without prejudice and his complaint be refiled in United States Court of Appeals for the Sixth Circuit. (Doc. 2).

Mr. Hawkins has responded to the Court’s Order. (Doc. 3). He indicates that the document was intended for filing in the Sixth Circuit Court of Appeals. Accordingly, it is **RECOMMENDED** that this action be dismissed without prejudice and the complaint be refiled in the United States Court of Appeals for the Sixth Circuit.

**IT IS SO RECOMMENDED.**

Date: April 1, 2020

s/Karen Litkovitz  
Karen L. Litkovitz  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).